

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE

6500 CHERRYWOOD LANE
GREENBELT, MARYLAND 20770
301-344-0632

MEMORANDUM

TO: Counsel of Record

FROM: Judge Peter J. Messitte

RE: *Doe I et al. v. Montgomery County Board of Education et al.*
Civ. No. 21-356 PJM

DATE: April 1, 2021

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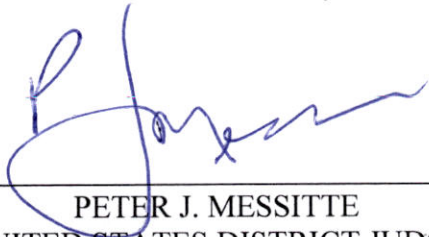
The Court has received the parties' Joint Status Report (ECF No. 42), filed on March 24, 2021, and has considered the various pending motions in this matter.

Upon consideration of Plaintiffs' Motion to Unseal Juvenile Record (ECF Nos. 4-8, 43-1) and the oppositions thereto, the Motion is **DENIED WITHOUT PREJUDICE**. The Court agrees with Defendants that such a request should go before the Circuit Court for Montgomery County, Maryland, Juvenile Division, which is a more appropriate forum to decide the question. Secondly, Plaintiffs would owe that court some specificity regarding which records they are seeking. Providing for *in camera* review in the presence of defense counsel may also be appropriate to allow Plaintiffs to determine which documents to request.

Upon consideration of Nonparty C.T.'s Motion to Quash Defendants' Subpoena (ECF Nos. 1-199, 42-6) and the oppositions thereto, the Motion is **DENIED**. The Fifth Amendment privilege against self-incrimination does not protect C.T. from appearing for a deposition for fear of being asked as-yet unknown questions that could potentially lead to appropriate invocation of Fifth Amendment protection. Notably, C.T. has already pleaded guilty as to the events of October 31, 2018, and cannot be subject to double jeopardy, so he no longer has a Fifth Amendment privilege against testifying regarding the conduct on which he was convicted. If areas of potential incrimination do arise, then C.T. may assert a reasonable basis for invoking his Fifth Amendment privilege on a question-by-question basis. As to C.T.'s concern for "embarrassment," the Court emphasizes that the deposition shall be closed to the public pursuant to the confidentiality order in this matter.

Additionally, W.S.'s Request to Seal Opposition to Plaintiffs' Motion to Unseal (ECF No. 31) is **GRANTED** and such Opposition (ECF No. 30) shall remain **SEALED**; the Motion to Seal First Amended Complaint of Does 1-3 (ECF No. 1-212) is **GRANTED** and such Amended Complaint (ECF No. 16) shall remain **SEALED**; and the Motion to Seal First Amended Complaint of Doe 4 (ECF No. 1-215) is **GRANTED** and such Amended Complaint (ECF No. 34) shall remain **SEALED**.

Despite the informal nature of this ruling, it shall constitute an order of the Court, and the Clerk is directed to docket it accordingly.



PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE

cc: Court file